

48A C.J.S. Judges § 142

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

V. Discipline, Suspension, or Removal

E. Sanctions

§ 142. Removal by impeachment

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(4)

As the ultimate sanction for judicial misconduct, the legislature may exercise powers of impeachment or address to remove a judge.

Judges may be removed from office by impeachment.¹ As the ultimate sanction for judicial misconduct, the legislature may exercise powers of impeachment to remove a judge.²

The state supreme court is not precluded from exercising its inherent power to protect itself and the public and to administer justice by suspending without pay a judge who has been indicted for serious crimes, despite a constitutional article providing that the legislature may remove a judge by impeachment.³

CUMULATIVE SUPPLEMENT

Cases:

Supreme Court of Appeals would prohibit Senate officials from further prosecuting the Chief Justice of the Supreme Court of Appeals on Articles of Impeachment alleging that Chief Justice overpaid senior-status judges in violation of statute that was held to be unconstitutional and unenforceable under the Separation of Powers Clause of the state constitution; in light of the invalidity of the statute placing limitations on payment to senior-status judges, the Chief Justice did not overpay any senior-status judge. [W. Va. Const. art. 4, § 9](#); [W. Va. Const. art. 5, § 1](#); [W. Va. Code Ann. § 51-9-10](#). [State ex rel. Workman v. Carmichael](#), 819 S.E.2d 251 (W. Va. 2018).

[END OF SUPPLEMENT]

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Footnotes

- 1 Neb.—[State ex rel. Nebraska State Bar Ass'n v. Krepela](#), 259 Neb. 395, 610 N.W.2d 1 (2000).

 Wis.—[State v. Henley](#), 2011 WI 67, 338 Wis. 2d 610, 802 N.W.2d 175 (2011).

 Federal judges
 Serious misbehavior by federal judges is handled through the impeachment process.

 U.S.—[Bryan v. Murphy](#), 243 F. Supp. 2d 1375 (N.D. Ga. 2003).
- 2 Me.—[Matter of Benoit](#), 487 A.2d 1158 (Me. 1985).
- 3 S.C.—[Matter of Ferguson](#), 304 S.C. 216, 403 S.E.2d 628 (1991).